

ALD-60

November 21, 2007

**UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

C.A. No. **07-3550**

JAMES HALL

VS.

DAVID HOLMAN, ET AL.

(D. DEL. CIV. NO. 04-CV-01328)

Present: SLOVITER, FISHER and HARDIMAN, Circuit Judges

Submitted are:

- (1) By the Clerk for possible dismissal due to a jurisdictional defect;
- (2) Appellant's jurisdictional response;
- (3) Appellees' motion to dismiss for want of jurisdiction; and
- (4) By the Clerk, the within appeal for possible dismissal under 28 U.S.C. § 1915(e)(2)(B) or for summary action under 3rd Cir. LAR 27.4 and I.O.P. 10.6

in the above-captioned case.

Respectfully,

Clerk

MMW/TJS/awi

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ORDER

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We retain jurisdiction but remand the matter to the District Court for the limited purpose of considering whether the appellant's letter dated August 22, 2007 (docket entry #72) satisfies the requirements for relief under Rule 4(a)(5) of the Federal Rules of Appellate Procedure. Although the notice of appeal appears to be untimely in relation to the order entered on July 13, 2007, see Fed. R. App. P. 4(a)(1)(A), the appellant's letter may have been timely as a Rule 4(a)(5) motion for extension of time to file a notice of

appeal. We will hold the appeal in abeyance pending the District Court's decision. The parties are directed to file with the clerk of this court status reports every thirty (30) days.



A True Copy

Dated: 17 December 2007  
AWI/CC:JH  
Marcia M. Walborn, Clerk  
OMW

By the Court,

/s/ Dolores K. Sloviter  
Circuit Judge